

July 30, 2003

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Room PL-401
400 Seventh St., SW
Washington, DC 20590

Re: Docket No. NHTSA-2003-15470
Petition for Decision That Nonconforming
2003 Mitsubishi Evolution VIII Left Hand
Drive Passenger Cars Are Eligible for
Importation

In the above referenced docket, G&K Automotive Conversion, Inc. (petitioner) seeks a decision that non-conforming 2003 Left Hand Drive Mitsubishi Evolution VIII (non-US LHD Evo) models are substantially similar to the 2003 Mitsubishi Evolution sold in the United States (US Evo) and are eligible for importation into the United States. This petition is defective in several important areas and should be denied.

Since the petitioner is a Registered Importer (RI), the petitioner ought to be familiar with the petition preparation guidance that NHTSA has published in the form of Registered Importer Newsletters. This petition states on 5 occasions (for FMVSS 101, 108, 225, 301, and 401): "Part numbers will be included in the compliance package for each vehicle." However, Registered Importer Newsletter #17 states (with original emphasis): "When the basis for a petition is that there is a substantially similar US certified vehicle and modification is required to bring the vehicle into conformity with a standard, **the nonconforming part number and the US part number must be identified.**" Petitioner has failed to provide even a single part number in this petition.

Petitioner states, with respect to compliance with the Parts Marking requirements of the Theft Prevention Standard (49 CFR 541): "For parts that do not have the required VIN information, it will be added to bring them into compliance with this standard." Petitioner appears to be under the misapprehension that an RI can bring a vehicle into conformance with the Theft Prevention Standard as part of the overall conversion process when, in fact, the Standard requires that the vehicle be in full conformance prior to entry into the United States.

Petitioner provides no VIN number for either a non-US LHD Evo or a US Evo, leading to the presumption that petitioner had access to neither type of vehicle when preparing this petition. Registered Importer Newsletter #3 admonishes: "It is not necessary to have a candidate vehicle or substantially similar vehicle in hand at the time a petition is submitted. However, if you do not, then your petition must not claim you have compared vehicles. Substantiation of such petitions must include reference to verifiable documentation." The verifiable documentation offered by petitioner as the basis for this petition consists of:

- Four service manuals for a 2001 Mitsubishi Evolution VII, which is neither the same model year nor the same model as the non-US LHD Evo that is the subject of this petition.
- A Mitsubishi marketing brochure for the US Evo, which states, unsurprisingly, that the US Evo conforms to FMVSS. This brochure supplies no information relevant to the issue of whether a non-US LHD Evo is substantially similar to the US Evo.
- A Mitsubishi Motors Corporation (MMC) press release dated January 2, 2003. It states at one point "While sharing major parts and components with the upcoming Japanese market Evolution VIII, the U.S. model has been developed exclusively for the U.S. to meet crashworthiness and emissions requirements" Of course the Japanese market Evolution VIII is a Right Hand Drive vehicle and is not the subject of this petition. This press release statement suggests that the US Evo is substantially different than the Evolution VIII sold in other markets, even though it might share some parts and components with them. Elsewhere, the press release states, with respect to the US-Evo body: "Reinforcements have also been added to conform with U.S. crash regulations."

None of this verifiable documentation even remotely demonstrates that the non-US LHD Evo is substantially similar to the US Evo.

Given that the petitioner has never examined a non-US LHD Evo and cannot supply any detailed information about it, the petitioner's assertions with respect to compliance with each individual FMVSS must be considered pure fabrications. One apparent cumulative effect of all these fabrications was to cause whomever prepared the Federal Register notice to erroneously state "The petitioner claims that it carefully compared non-U.S. certified 2003 Mitsubishi Evolution VIII LHD passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards."

There is a very good reason why petitioner is unable to inspect an actual non-U.S. certified 2003 Mitsubishi LHD Evolution VIII and is unable to supply any parts lists or technical documentation for it with this petition. MMC has never produced such a vehicle. This petition is for a vehicle that does not exist. This petition should be denied.